

Extra No. 10



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# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

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### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules: -

#### THE GUJARAT GOODS AND SERVICES TAX (AMENDMENT) BILL, 2022.

#### GUJARAT BILL NO. 10 OF 2022.

*further to amend the Gujarat Goods and Services Tax Act, 2017.*

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Goods and Services Tax (Amendment) Act, 2022.

**Short title and  
commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint:

Provided that different dates may be appointed for different provisions of this Act.

**Amendment 2.  
of section 16  
of Guj. 25 of  
2017.**

In the Gujarat Goods and Services Tax Act, 2017 (hereinafter referred to as “the principal Act”), in section 16,—

- (a) in sub-section (2),—
  - (i) after clause (b), the following clause shall be inserted,namely: —
 

“(ba) the details of input tax credit in respect of the said supply communicated to such registered person under section 38 has not been restricted;”;
  - (ii) in clause (c), the words, figures and letter “or section 43A” shall be deleted;
- (b) in sub-section (4), for the words and figures “due date of furnishing of the return under section 39 for the month of September”, the words “thirtieth day of November” shall be substituted.

**Amendment 3.  
of section 29  
of Guj. 25 of  
2017.**

In the principal Act, in section 29, in sub-section (2), —

- (a) in clause (b), for the words “returns for three consecutive tax periods”, the words “the return for a financial year beyond three months from the due date of furnishing the said return” shall be substituted;
- (b) in clause (c), for the words “a continuous period of six months”, the words “such continuous tax period as may be prescribed” shall be substituted.

**Amendment 4.  
of section 34  
of Guj. 25 of  
2017.**

In the principal Act, in section 34, in sub-section (2), for the word “September”, the words “the thirtieth day of November” shall be substituted.

**Amendment 5.  
of section 37  
of Guj. 25 of  
2017.**

In the principal Act, in section 37,—

- (a) in sub-section (1),—
  - (i) after the words “shall furnish, electronically,”, the words “subject to such conditions and restrictions and” shall be inserted;
  - (ii) for the words “shall be communicated to the recipient of the said supplies within such time and in such manner as may be prescribed”, the words “shall, subject to such conditions and restrictions, within such time and in such manner as may be prescribed, be communicated to the recipient of the said supplies” shall be substituted;
  - (iii) the first proviso shall be deleted;
  - (iv) in the second proviso, for the words “Provided further that”, the words “Provided that” shall be substituted;
  - (v) in the third proviso, for the words “Provided also that”, the words “Provided further that” shall be substituted;
- (b) sub-section (2) shall be deleted;
- (c) in sub-section (3),—
  - (i) the words and figures “ and which have remained unmatched under section 42 or section 43” shall be deleted;
  - (ii) in the first proviso, for the words and figures “furnishing of the return under section 39 for the month of September”, the words “the thirtieth day of November” shall be substituted;

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) A registered person shall not be allowed to furnish the details of outward supplies under sub-section (1) for a tax period, if the details of outward supplies for any of the previous tax periods has not been furnished by him:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the details of outward supplies under sub-section (1), even if he has not furnished the details of outward supplies for one or more previous tax periods.”.

6. In the principal Act, for section 38, the following section shall be substituted, namely:—

**Substitution  
of section 38  
of Guj. 25 of  
2017.**

“38. (1) The details of outward supplies furnished by the registered persons under sub-section (1) of section 37 and of such other supplies as may be prescribed, and an auto-generated statement containing the details of input tax credit shall be made available electronically to the recipients of such supplies in such form and manner, within such time, and subject to such conditions and restrictions as may be prescribed.

**Communication  
of details of  
inward supplies  
and input tax  
credit.**

(2) The auto-generated statement under sub-section (1) shall consist of—

(a) details of inward supplies in respect of which credit of input tax may be available to the recipient; and

(b) details of supplies in respect of which such credit cannot be availed, whether wholly or partly, by the recipient, on account of the details of the said supplies being furnished under sub-section (1) of section 37,—

(i) by any registered person within such period of taking registration as may be prescribed; or

(ii) by any registered person, who has defaulted in payment of tax and where such default has continued for such period as may be prescribed; or

(iii) by any registered person, the output tax payable by whom in accordance with the statement of outward supplies furnished by him under the said sub-section during such period, as may be prescribed, exceeds the output tax paid by him during the said period by such limit as may be prescribed; or

(iv) by any registered person who, during such period as may be prescribed, has availed credit of input tax of an amount that exceeds the credit that can be availed by him in accordance with clause (a), by such limit as may be prescribed; or

(v) by any registered person, who has defaulted in discharging his tax liability in accordance with the provisions of sub-section (12) of section 49 subject to such conditions and restrictions as may be prescribed; or

(vi) by such other class of persons as may be prescribed. ”.

**Amendment  
of section 39  
of Guj. 25 of  
2017.**

7. In the principal Act, in section 39,—

- (a) in sub-section (5), for the word “twenty”, the word “thirteen” shall be substituted;
- (b) in sub-section (7), for the first proviso, the following proviso shall be substituted, namely:—

“Provided that every registered person furnishing return under the proviso to sub-section (1) shall pay to the Government, in such form and manner, and within such time, as may be prescribed,—

(a) an amount equal to the tax due taking into account inward and outward supplies of goods or services or both, input tax credit availed, tax payable and such other particulars during a month; or

(b) in lieu of the amount referred to in clause (a), an amount determined in such manner and subject to such conditions and restrictions as may be prescribed.”;

- (c) in sub-section (9),—

(i) for the words and figures “Subject to the provisions of sections 37 and 38, if”, the word “Where” shall be substituted;

(ii) in the proviso, for the words “the due date for furnishing of return for the month of September or second quarter”, the words “the thirtieth day of November” shall be substituted;

- (d) in sub-section (10), for the words “has not been furnished by him”, the following shall be substituted, namely:—

“or the details of outward supplies under sub-section (1) of section 37 for the said tax period has not been furnished by him:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the return, even if he has not furnished the returns for one or more previous tax periods or has not furnished the details of outward supplies under sub-section (1) of section 37 for the said tax period.”.

**Substitution  
of section 41  
of Guj. 25 of  
2017.**

8. In the principal Act, for section 41, the following section shall be substituted, namely:—

**Availment of  
input tax  
credit.**

“41. (1) Every registered person shall, subject to such conditions and restrictions as may be prescribed, be entitled to avail the credit of eligible input tax, as self-assessed, in his return and such amount shall be credited to his electronic credit ledger.

(2) The credit of input tax availed by a registered person under sub-section (1) in respect of such supplies of goods or services or both, the tax payable whereon has not been paid by the supplier, shall be reversed along with applicable interest, by the said person in such manner as may be prescribed:

Provided that where the said supplier makes payment of the tax payable in respect of the aforesaid supplies, the said registered person may re-avail the amount of credit reversed by him in such manner as may be prescribed.”.

9. In the principal Act, sections 42, 43 and 43A shall be deleted. **Deletion of sections 42, 43 and 43A of Guj. 25 of 2017.**
10. In the principal Act, in section 47, in sub-section (1),—  
 (a) the words “or inward ” shall be deleted;  
 (b) the words and figures “or section 38 ” shall be deleted;  
 (c) after the words and figures “section 39 or section 45”, the words and figures “ or section 52” shall be inserted. **Amendment of section 47 of Guj. 25 of 2017.**
11. In the principal Act, in section 48, in sub-section (2), for the words and figures “under section 37, the details of inward supplies under section 38”, the words and figures “under section 37”, shall be substituted. **Amendment of section 48 of Guj. 25 of 2017.**
12. In the principal Act, in section 49,—  
 (a) in sub-section (2), the words, figures and letter “or section 43A” shall be deleted;  
 (b) in sub-section (4), after the words “subject to such conditions”, the words “ and restrictions” shall be inserted;  
 (c) after sub-section (11), the following sub-section shall be added, namely:—  
 “(12) Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, subject to such conditions and restrictions, specify such maximum proportion of output tax liability under this Act or under the Integrated Goods and Services Tax Act, 2017 which may be discharged through the electronic credit ledger by a registered person or a class of registered persons, as may be prescribed.”. **Amendment of section 49 of Guj. 25 of 2017.**
13. In the principal Act, in section 50, for sub-section (3), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 1<sup>st</sup> day of July, 2017, namely:—  
 “(3) Where the input tax credit has been wrongly availed and utilised, the registered person shall pay interest on such input tax credit wrongly availed and utilised, at such rate not exceeding twenty-four per cent. as may be notified by the Government, on the recommendations of the Council, and the interest shall be calculated, in such manner as may be prescribed.”. **Amendment of section 50 of Guj. 25 of 2017.**
14. In the principal Act, in section 52, in sub-section (6), in the proviso, for the words “due date for furnishing of statement for the month of September”, the words “thirtieth day of November” shall be substituted. **Amendment of section 52 of Guj. 25 of 2017.**
15. In the principal Act, in section 54,—  
 (a) in sub-section (1), in the proviso, for the words and figures “the return furnished under section 39 in such”, the words “such form and” shall be substituted; **Amendment of section 54 of Guj. 25 of 2017.**

(b) in sub-section (2), for the words “six months”, the words “two years” shall be substituted;

(c) in sub-section (10), the words, brackets and figures “under sub-section (3)” shall be deleted;

(d) in the *Explanation*, in clause (2), after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(ba) in the case of zero-rated supply of goods or services or both to a Special Economic Zone developer or a Special Economic Zone unit where a refund of tax paid is available in respect of such supplies themselves, or as the case may be, the inputs or input services used in such supplies, the due date for furnishing of return under section 39 in respect of such supplies;”.

**Amendment of notification issued under section 146 of Guj. 25 of 2017, retrospectively.**

16. (1) The notification of the Government of Gujarat, Finance Department, No. (GHN-6)/GST-2018/S.146 (2) TH dated the 23<sup>rd</sup> January, 2018, issued by the Government of Gujarat on the recommendations of the Council, under section 146 of the Gujarat Goods and Services Tax Act, 2017, shall stand amended and shall be deemed to have been amended retrospectively, in the manner specified in column (2) of the First Schedule, on and from the date specified in column (3) of that Schedule.

**Guj. 25 of 2017.**

(2) For the purposes of sub-section (1), the Government of Gujarat shall have and shall be deemed to have the power to amend the notification referred to in the said sub-section with retrospective effect as if the Government of Gujarat had the power to amend the said notification under section 146 of the Gujarat Goods and Services Tax Act, 2017, retrospectively, at all material times.

**Guj. 25 of 2017.**

**Amendment of notification issued under sub-section (1) and (3) of section 50, sub-section (12) of section 54 and section 56 of Guj. 25 of 2017, retrospectively.**

17. (1) The notification of the Government of Gujarat, Finance Department, No. (GHN-30)GST-2017/S.50, 54 & 56 (1)-TH dated the 30<sup>th</sup> June, 2017, issued by the Government of Gujarat on the recommendations of the Council, under sub-sections (1) and (3) of section 50, sub-section (12) of section 54 and section 56 of the Gujarat Goods and Services Tax Act, 2017, shall stand amended and shall be deemed to have been amended retrospectively, in the manner specified in column (2) of the Second Schedule, on and from the date specified in column (3) of that Schedule.

**Guj. 25 of 2017.**

(2) For the purposes of sub-section (1), the Government of Gujarat shall have and shall be deemed to have the power to amend the notification referred to in the said sub-section with retrospective effect as if the Government of Gujarat had the power to amend the said notification under sub-sections (1) and (3) of section 50, sub-section (12) of section 54 and section 56 of the Gujarat Goods and Services Tax Act, 2017, retrospectively, at all material times.

**Guj. 25 of 2017.**

**Retrospective exemption from, or levy or collection of State tax in certain cases.**

18. (1) Notwithstanding anything contained in the notification of the Government of Gujarat, Finance Department, No. (GHN-31)GST-2017/S.9(1)(1)-TH dated the 30<sup>th</sup> June, 2017 issued by the Government of Gujarat, on the recommendations of the Council, in exercise of the powers under sub-section (1) of section 9 of the Gujarat Goods and Services Tax Act, 2017, no State tax shall be levied or collected in respect of supply of unintended waste generated during the production of fish meal (falling under heading 2301), except for fish oil, during the period commencing from the 1<sup>st</sup> day of July, 2017 and ending with the 30<sup>th</sup> day of September, 2019 (both days inclusive).

**Guj. 25 of 2017.**

(2) No refund shall be made of all such tax which has been collected, but which would not have been so collected, had sub-section (1) been in force at all material times.

- 19.** (1) Subject to the provisions of sub-section (2), the notification of the Government of Gujarat, Finance Department, No. (GHN-95) GST-2019/S.7 (2) (3)-TH dated the 30<sup>th</sup> September, 2019 issued by the Government of Gujarat, on the recommendations of the Council, in exercise of the powers under sub-section (2) of section 7 of the Gujarat Goods and Services Tax Act, 2017, shall be deemed to have, and always to have, for all purposes, come into force on and from the 1<sup>st</sup> day of July, 2017.

**Retrospective effect to notification issued under sub-section (2) of section 7 of Guj. 25 of 2017.**

(2) No refund shall be made of all such State tax which has been collected, but which would not have been so collected, had the notification referred to in sub-section (1) been in force at all material times.

#### THE FIRST SCHEDULE

[See section 16(1)]

Notification number and date	Amendment	Date of effect of amendment
(1)	(2)	(3)
(GHN-6)/GST-2018/S.146(2)TH dated the 23 <sup>rd</sup> January, 2018	In the said notification, in paragraph 1, for the words “furnishing of returns and computation and settlement of integrated tax”, the following shall be substituted, namely:-  “furnishing of returns and computation and settlement of integrated tax and save as otherwise provided in the notification number (GHN-121)GST-2019/S.146(3)TH, dated the 17 <sup>th</sup> December, 2019, all functions provided under the Gujarat Goods and Services Tax Rules, 2017.”.	22 <sup>nd</sup> June, 2017

#### THE SECOND SCHEDULE

[See section 17(1)]

Notification number and date	Amendment	Date of effect of amendment
(1)	(2)	(3)
(GHN-30)GST-2017/S.50, 54 & 56 (1)-TH dated the 30 <sup>th</sup> June, 2017	In the said notification, in the Table, against serial number 2, in column (3), for the figures “24”, the figures “18” shall be substituted.	1 <sup>st</sup> July, 2017

### STATEMENT OF OBJECTS AND REASONS

The Gujarat Goods and Services Tax Act, 2017 was enacted with a view to make a provision for levy and collection of tax on intra-State supply of goods or services or both by the Government of Gujarat.

Various decisions have been taken by the Goods and Services Tax Council in its 43<sup>rd</sup> and 45<sup>th</sup> meetings requiring amendments in the Goods and Services Tax Laws. Accordingly, the Central Goods and Services Tax Act, 2017 (12 of 2017) and the Integrated Goods and Services Tax Act, 2017 (13 of 2017) have been amended by the Parliament by the Finance Act, 2022 (6 of 2022). In order to maintain the uniformity in applicability of the provisions of the Central Goods and Services Tax Act, 2017 and the Gujarat Goods and Services Tax Act, 2017 (Guj. 25 of 2017), it is expedient to amend the Gujarat Goods and Services Tax Act, 2017 (Guj. 25 of 2017).

The following notes on clauses explain, in brief, the important provisions of the Bill to achieve the aforesaid objects:-

**Clause 1.-** This clause provides for the Short title and Commencement.

**Clause 2.-** This clause seeks to amend section 16 of the Gujarat Goods and Services Tax Act, 2017 by inserting a new clause (ba) in sub-section (2) thereof, so as to provide that input tax credit with respect to a supply may be availed only when such credit has not been restricted in the details communicated to the registered person under section 38.

It further seeks to amend sub-section (4) so as to provide that a registered person shall not be entitled to take input tax credit in respect of any invoice or debit note after the thirtieth day of November following the end of the financial year to which such invoice or debit note pertains, or furnishing of the relevant annual return, whichever is earlier.

**Clause 3.-** This clause seeks to amend clause (b) of sub-section (2) of section 29 of the Gujarat Goods and Services Tax Act, 2017 so as to provide that the registration of a person paying tax under section 10 is liable to be cancelled if the return for a financial year has not been furnished beyond three months from the due date of furnishing of the said return.

It further seeks to amend clause (c) of the said sub-section (2) so as to provide for prescribing continuous tax periods for which return has not been furnished, which would make a registration liable for cancellation, in respect of any registered person, other than a person specified in clause (b) thereof.

**Clause 4.-** This clause seeks to amend sub-section (2) of section 34 of the Gujarat Goods and Services Tax Act, 2017 so as to provide for thirtieth day of November following the end of the financial year, or the date of furnishing of the relevant annual return, whichever is earlier, as the last date for issuance of credit notes in respect of any supply made in a financial year.

**Clause 5.-** This clause seeks to amend sub-section (1) of section 37 of the Gujarat Goods and Services Tax Act, 2017 so as to provide for prescribing conditions and restrictions for furnishing the details of outward supply and the conditions and restrictions as well as manner and time for communication of the details of such outward supplies to concerned recipients.

It further seeks to delete sub-section (2) and first proviso to sub-section (1) so as to do away with two-way communication process in return filing.



It also seeks to amend sub-section (3) so as to remove reference to unmatched details under section 42 or section 43, as the said sections are proposed to be deleted, and to provide for thirtieth day of November following the end of the financial year or furnishing of the relevant annual return, whichever is earlier, as the last date for rectification of errors or omission in respect of details of outward supplies furnished under sub-section (1).

It also seeks to insert sub-section (4) so as to provide for tax period-wise sequential filing of details of outward supplies under sub-section (1).

**Clause 6.-**

This clause seeks to substitute a new section for section 38 of the Gujarat Goods and Services Tax Act, 2017. Sub section (1) seeks to provide for prescribing such other supplies as well as the manner, time, conditions and restrictions for communication of details of inward supplies and input tax credit to the recipient by means of an auto-generated statement and to do away with two-way communication process in return filing.

Sub-section (2) seeks to provide for the details of inward supplies in respect of which input tax credit may be availed and the details of supplies on which input tax credit cannot be availed by the recipient.

**Clause 7.-**

This clause seeks to amend sub-section (5) of section 39 of the Gujarat Goods and Services Tax Act, 2017 so as to provide that the non-resident taxable person shall furnish the return for a month within thirteen days after the end of the month or within seven days after the last day of the period of registration specified under sub-section (1) of section 27, whichever is earlier.

It further seeks to substitute the first proviso to sub-section (7) so as to provide an option to the persons furnishing return under proviso to sub-section (1) to pay either the self-assessed tax or an amount that may be prescribed.

It also seeks to amend sub-section (9) by removing reference of section 37 and section 38 and to amend the proviso to said sub-section (9) so as to provide for thirtieth day of November following the end of the financial year, or the date of furnishing of the relevant annual return, whichever is earlier, as the last date for the rectification of errors in the return furnished under section 39.

It also seeks to amend sub-section (10) so as to provide for furnishing of details of outward supplies of a tax period under sub-section (1) of section 37 as a condition for furnishing the return under section 39 for the said tax period.

**Clause 8.-**

This clause seeks to substitute a new section for section 41 of the Gujarat Goods and Services Tax Act, 2017 so as to do away with the concept of “claim” of eligible input tax credit on a “provisional” basis and to provide for availment of self-assessed input tax credit subject to such conditions and restrictions as may be prescribed.

**Clause 9.-**

This clause seeks to delete section 42 of the Gujarat Goods and Services Tax Act, 2017 relating to matching, reversal and reclaiming of input tax credit so as to do away with the concept of “claim” of eligible input tax credit on a “provisional” basis and subsequent matching, reversals and

reclaim of such credit. It further seeks to delete section 43 relating to matching, reversal and reclaim of reduction in output tax liability so as to do away with two-way communication process in return filing. It also seeks to delete section 43A.

**Clause 10.-** This clause seeks to amend sub-section (1) of section 47 of the Gujarat Goods and Services Tax Act, 2017 so as to provide for levy of late fee for delayed filing of return under section 52 and to remove reference of section 38 as there is no requirement of furnishing details of inward supplies by the registered person under the said section 38.

**Clause 11.-** This clause seeks to amend sub-section (2) of section 48 of the Gujarat Goods and Services Tax Act, 2017 so as to remove reference to section 38 therefrom as there is no requirement of furnishing details of inward supplies by the registered person under the said section 38.

**Clause 12.-** This clause seeks to amend sub-section (4) of section 49 of the Gujarat Goods and Services Tax Act, 2017 so as to provide for prescribing restrictions for utilizing the amount available in the electronic credit ledger.

It also seeks to insert sub-section (12) so as to provide for prescribing the maximum proportion of output tax liability which may be discharged through the electronic credit ledger.

**Clause 13.-** This clause seeks to substitute a new sub-section for sub-section (3) of section 50 of the Gujarat Goods and Services Tax Act, 2017, retrospectively, with effect from the 1<sup>st</sup> July, 2017, so as to provide for levy of interest on input tax credit wrongly availed and utilised, and to provide for prescribing manner of calculation of interest in such cases.

**Clause 14.-** This clause seeks to amend proviso to sub-section (6) of section 52 of the Gujarat Goods and Services Tax Act, 2017 so as to provide for thirtieth day of November following the end of the financial year, or the date of furnishing of the relevant annual return, whichever is earlier, as the last date upto which the rectification of errors shall be allowed in the statement furnished under sub-section (4).

**Clause 15.-** This clause seeks to amend proviso to sub-section (1) of section 54 of the Gujarat Goods and Services Tax Act, 2017 so as to explicitly provide that claim of refund of any balance in the electronic cash ledger shall be made in such form and manner as may be prescribed.

It further seeks to amend sub-section (2) so as to align it with sub-section (1) by providing time limit of two years from the last day of the quarter in which the supply was received for claiming refund of tax paid on inward supplies of goods or services or both by the person specified in the said sub-section.

It also seeks to amend sub-section (10) so as to extend the scope of the said sub-section to all types of refund claims.

It also seeks to insert a new sub-clause (ba) in clause (2) of *Explanation* in order to provide clarity regarding the relevant date for filing refund claim in respect of supplies made to a Special Economic Zone developer or a Special Economic Zone unit.

**Clause 16.-** This clause seeks to amend notification number (GHN-6)/GST-2018/S.146(2)TH dated the 23<sup>rd</sup> January, 2018 to notify [www.gst.gov.in](http://www.gst.gov.in), retrospectively, with effect from 22<sup>nd</sup> June, 2017, as the Common Goods

and Services Tax Electronic Portal, for all functions provided under Gujarat Goods and Services Tax Rules, 2017, save as otherwise provided in the notification issued vide number (GHN-121) GST-2019/S.146(3)TH, dated the 17<sup>th</sup> December, 2019.

**Clause 17.-** This clause seeks to amend notification number (GHN-30)GST-2017/S.50, 54 & 56 (1)-TH dated the 30<sup>th</sup> June, 2017, so as to notify rate of interest under sub-section (3) of section 50 of the Gujarat Goods and Services Tax Act, 2017 as 18%, retrospectively, with effect from the 1<sup>st</sup> day of July, 2017.

**Clause 18.-** This clause seeks to provide retrospective exemption from State tax in respect of supply of unintended waste generated during the production of fish meal (falling under heading 2301), except for fish oil, during the period from the 1<sup>st</sup> day of July, 2017 upto the 30<sup>th</sup> day of September, 2019 (both days inclusive).

It further seeks to provide that no refund shall be made of the said tax which has already been collected.

**Clause 19.-** This clause seeks to give retrospective effect to the notification of the Government of Gujarat, Finance Department No. (GHN-95)GST-2019/S.7(2)(3)-TH dated the 30<sup>th</sup> September, 2019 with effect from the 1<sup>st</sup> day of July, 2017.

It further seeks to provide that no refund shall be made of the State tax which has already been collected.

**KANUBHAI DESAI,**

#### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

**Clause 3.-** Clause (c) of sub-section (2) of section 29 of the Gujarat Goods and Services Tax Act, 2017 proposed to be amended by this clause empowers the State Government to prescribe by rules, the continuous tax periods for which return has not been furnished, which would make a registration liable for cancellation, in respect of any registered person, other than a person specified in clause (b) thereof.

**Clause 6.-** Sub-section (1) of new section 38 of the Gujarat Goods and Services Tax Act, 2017 proposed to be substituted by this clause empowers the State Government to make rules to specify other supplies as well as the manner, time, conditions and restrictions for communication of details of inward supplies and input tax credit to the recipient by means of an auto-generated statement and to do away with two-way communication process in return filing.

**Clause 8.-** Section 41 of the Gujarat Goods and Services Tax Act, 2017 proposed to be substituted by this clause so as to do away with the concept of “claim” of eligible input tax credit on a “provisional” basis and to provide for availment of self-assessed input tax credit subject to such conditions and restrictions as may be prescribed by the State Government by rules.

**Clause 12.-** New sub-section (12) of section 49 of the Gujarat Goods and Services Tax Act, 2017 proposed to be inserted by this clause empowers the State Government to make rules to specify maximum proportion of output tax liability which may be discharged through the electronic credit ledger.

**Clause 13.-** Sub-section (3) of section 50 of the Gujarat Goods and Services Tax Act, 2017 proposed to be substituted by this clause so as to provide for levy of interest on input tax credit wrongly availed and utilised, and to provide by rules the manner of calculation of interest in such cases.

The matters in respect of which rules may be made or notifications or order may be issued in accordance with the provisions of the Bill are the matters of procedure and administrative facet, and as such, it is not mentioned in the Memorandum of Delegated Legislation.

The delegation of legislative powers, as aforesaid, is necessary and is of normal character.

Dated the 12<sup>th</sup> September, 2022.

**KANUBHAI DESAI.**

By order and in the name of the Governor of Gujarat,

**K. M. LALA,**

Gandhinagar,

Dated the 13<sup>th</sup> September, 2022.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

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